

HEARING THREE

Reduction of Crime: Technology Tools and Survivors of Crime Panels

April 21 – April 22, 2020

The following summary is intended to provide an overview and highlights of the testimonies and discussions of the hearings. For a full and detailed account of the hearings, please refer to the [Commission website](#) and the audio recordings and transcripts located there.

Technology Tools Panel, April 21, 2020

First Panelist: Colonel Edwin Roessler Jr., Chief, Fairfax County Police Department

Highlights:

- Because of the preponderance of portable video recording devices and the ability of videos to go viral, law enforcement quickly purchased body-worn cameras for immediate use. The result of such quick deployment is that they did not use strategic planning and the co-production police model with the community and other stakeholders to develop their body-worn camera program.
- Fairfax County conducted a pilot project and used a competitive bid process to get requests for proposals for three different camera systems to determine how effective the cameras would work in different environments.
- American University conducted a comprehensive study to examine the department before, during, and after the body-worn camera deployment.
- Critical members of a technology group include prosecutors, the clerk of the court, a public defender, and community groups, including the ACLU, NAACP, and local media.
- One negative of body-worn cameras is that some officers don't like when videos are released.

Recommendations:

- Create public accountability for community and the police officers in the body-worn camera program.
- Establish stakeholder ownership. Have labor groups, community advocates, and political leaders sit down at the table and develop policies and concepts.

Second Panelist: Damon Mosler, Assistant District Attorney, San Diego County

Highlights:

- Given the public desire for transparency and accountability, public perception and expectation have made it almost essential for law enforcement to have cameras. Police departments also use them to mitigate liability.
- The volume of video information can be overwhelming and prosecutors have to be selective about the videos they watch. Additionally, some videos do not make it to the case submitted to the prosecution team because the videos are mislabeled.
- The benefit of body-worn cameras is that there is evidence to review and that usually enhances an officer's credibility.

- The downside of body-worn cameras is that sometimes video is cringe worthy and it is frequently not relevant, but juries want to see it anyway. San Diego stopped pre-screening footage ahead of sharing with defense after the volume became too great. This practice is controversial but San Diego hasn't looked back.

Recommendations:

- Generate national standards to manage storage and eliminate the disappearance of videos.
- Develop a standards and training for all videos to be tagged or labeled correctly to associate it with a submitted criminal case.
- Add markers within videos to help identify critical points.

Third Panelist: *Dr. Richard Vorder Bruegge, Senior Physical Scientist, Federal Bureau of Investigation*

Highlights:

- Facial recognition tools are constantly improving and can be used in a variety of ways: to search for unknown subjects, to help verify the identity of detainees before they are released, and to make the forensic examination of seized evidence more efficient.
- Training is essential. The FBI and other agencies have developed training that meets standards set by the Facial Identification Scientific Working Group, but more resources are needed to make it available for delivery in person or online for those who need it.

Recommendations:

- Require standardized training for any official who would use face recognition technology.
- Establish and enforce clear policies regarding implementation and use of face recognition systems.
- Upgrade those systems when necessary.
- Garner continued support from the National Institute of Standards and Technology for testing of algorithms in people.
- Work closely with the private sector, but ensure no one gets an undue advantage.
- Have standards for the systems that law enforcement is going to use with common interfaces.

Fourth Panelist: *Kevin Jinks, Senior Counsel, Department of Justice Office of Legal Policy*

Highlights:

- Drones are a powerful and increasingly used tool for law enforcement and can be used for patrol or investigation.
- In the face of the global coronavirus pandemic, many countries and some state, local, tribal and territorial (SLTT) jurisdictions have found such novel ways to employ drones as monitoring compliance with social distancing guidelines or reaching vulnerable populations to communicate information about where services, food, etc., can be found.
- The COPS Office has published a collection of best practices from SLTT jurisdictions.

Recommendations:

- Continue the responsible use of unmanned aircraft systems by law enforcement and public safety agencies throughout the country using several documents as guides.
- Administration's support for comprehensive drone enforcement criminal statutes that address the gaps in current authorities to better deter malicious and unlawful use of drones.
- Chart a path (administration and Congress) to incrementally provide SLTT law enforcement and public safety agencies greater authority to mitigate drone threats under appropriate circumstances.
- Allow a SLTT pilot program to protect such events as mass gatherings, special events, critical infrastructure, and airports.
- Collaborate with the FAA to identify the needs of law enforcement agencies and to incorporate those needs into the flight control system being set up to manage drone flights in the United States.
- Meet with industry, and listen to their concerns and ideas. Predict or gain insight on what is coming out in the market in the coming months, and then communicate that information throughout the department.

Survivors of Crime Panel, April 22, 2020

First Panelist: *Joyce Bilyeu, Director of Client Services, Sacramento Regional Family Justice Center*

Highlights:

- Bilyeu was married to a man who physically, mentally, and sexually abused her over 10 years. He abused her during her pregnancies, and broke her jaw and ribs. He would often rape and strangle her to near unconsciousness. Despite numerous hospital visits and calls for service, the police never intervened. When she finally left her husband, he broke into her house and shot at her, but was never sentenced to jail for these crimes.
- Bilyeu believes that if law enforcement had given her some resources, assessed for lethality, and connected her with a victim advocate, she might have gotten out of the relationship a lot sooner.
- The impact of domestic violence is a very serious and potentially lethal public health problem. It's a problem that affects the lives of Americans around the country and people around the world.
- Studies indicate that some of the highest risk factors leading to intimate partner homicide include a perpetrator's direct access to guns, previous nonfatal strangulation, threats with a weapon, demonstrating controlling behaviors, and threats of harm to self or others.
- Highly-informed, trained officers write better reports, thus giving intake prosecutors more information to assess and ensure the likelihood of successful prosecution.

Recommendation:

- Support funding for training, development, and implementation of a lethality assessment and safety protocol for law enforcement, first responders, and call takers.

Second Panelist: *Adrianna Griffith, Sexual Assault and Domestic Violence Specialist/Lived Experience Expert, Women's Center – Youth and Family Services*

Highlights:

- Griffith was in an exploitive, manipulative, physically, and sexually-violent relationship which led to her incarceration as an accomplice to sex trafficking.
- Despite Griffith being referred to as a victim offender, law enforcement's goal seemed to be to punish and to hold her accountable, not healing and rehabilitation. This created a cognitive dissonance.
- After being released Griffith was not able to access certain services because she was on parole or access victim services because on paper she was an offender.
- When you have gone through the criminal justice system as an offender, you become more at risk of having other people perpetuate crime against you.
- The Adverse Childhood Experiences study provides information about trauma that people go through during their childhood.
- Various studies indicate that counseling, therapy, and access to mental health and victim services reduce recidivism and crime rates because people are able to address their trauma.
- Sacramento County and San Joaquin County have successful diversion programs, including the Stop Program (formerly known as the John School).

Recommendations:

- Launch a nationwide trauma-informed intervention program for individuals that have been charged for the first time with violent crimes where it does not result in someone's death.
- Promote programs that ensure law enforcement and corrections officers are more effectively trained to handle suspects and victims who have experienced multiple forms of trauma.
- Create a 9-1-1 emergency phone line for mild-to-severe mental health emergencies so that law enforcement does not have to be the first line of defense for mental health emergencies.
- Increase funding to organizations that provide direct services to victims of crime.

Third Panelist: *Bella Hounakey, Subject Matter Expert, United States Advisory Council on Human Trafficking*

Highlights:

- Hounakey is a trafficking survivor who shared her personal trafficking story, smuggled by an aunt from Togo to New Jersey, working as slave labor and enduring physical, sexual, and psychological abuse for 5 years.
- When they were rescued by law enforcement there were no social workers, interpreters, or medics present. The environment became hostile as some of the girls were charged with prostitution and all of them were confused about what was going to happen. Had there been a greater diversity of services available at the raid, the situation would have been much smoother.

Recommendations:

- Record victim statements so that they don't have to keep repeating their story to different stakeholders and reliving their trauma.

- Treat victims as victims and not criminals. Some behavior may stem from years of abuse.
- Encourage conversations that focus on rehabilitation along with incarceration.
- Diversify law enforcement agents and include social workers and interpreters at raids.

Fourth Panelist: *Natasha Alexenko, Founder, Natasha's Justice Project*

Highlights:

- Alexenko was sexually assaulted at gunpoint in 1993.
- After reviewing mugshots and submitting a rape kit as evidence, the case went cold.
- The rape kit was not tested until 10 years later, and the perpetrator was finally apprehended and is in prison, but not before unnecessary delays and mental anguish for Alexenko.
- Most people are unaware that such a backlog in processing rape kits exists.

Recommendations:

- Support grant funding through Office of Violence against Women that supports training officers on how to deal with victims of trauma.
- Include survivors in part of the conversation about trauma.
- Ensure that rape kits are processed in a timely manner.